

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Cooper	Team: Squad #7	CCRB Case #: 201709509	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/16/2017 3:50 AM	Location of Incident: Farmers Boulevard and 144th Avenue	Precinct: 113	18 Mo. SOL 5/16/2019	EO SOL 5/16/2019	
Date/Time CV Reported Thu, 11/16/2017 4:04 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 11/16/2017 4:04 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Neal Mitchell	15669	957864	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Logan Phillips	14660	957035	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Neal Mitchell	Discourtesy: Police Officer Neal Mitchell acted discourteously toward § 87(2)(b)	
B.POM Neal Mitchell	Abuse: Police Officer Neal Mitchell threatened § 87(2)(b) with the use of force.	

Case Summary

On November 16, 2017, § 87(2)(b) filed this complaint with the CCRB via telephone.

On November 16, 2017, at approximately 3:50 a.m., § 87(2)(b) was driving when he was stopped at the intersection of Farmers Boulevard and 144th Avenue, in Queens. PO Neal Mitchell and PO Logan Phillips, from the 113th Precinct, approached § 87(2)(b)'s vehicle. After issuing § 87(2)(b) a summons for speeding, PO Mitchell allegedly threw § 87(2)(b)'s documents at him (**Allegation A: Discourtesy:** § 87(2)(g)). During their interaction, PO Mitchell allegedly told § 87(2)(b) "Do whatever you want, just don't get in my way or I will run you over" (**Allegation B: Threat of Force:** § 87(2)(g)).

There was no video evidence for this case. Following the incident, § 87(2)(b) went to the 113th Precinct to file a complaint against PO Mitchell, but officers refused to take his complaint.

§ 87(2)(b)

Allegation A: Discourtesy: Police Officer Neal Mitchell acted discourteously toward § 87(2)(b)

Allegation B: Abuse of Authority: Police Officer Neal Mitchell threatened § 87(2)(b)
with the use of force.

§ 87(2)(b) stated that when PO Mitchell approached his vehicle, § 87(2)(b) told him, "I just wanted to make you aware § 87(2)(b) is a sergeant." § 87(2)(b) handed PO Mitchell a Sergeants Benevolent Association (SBA) card given to him by § 87(2)(b). After looking at the SBA card, PO Mitchell threw the card at § 87(2)(b) and it landed on the front passenger's seat. After PO Mitchell wrote § 87(2)(b) the summons, PO Mitchell threw § 87(2)(b)'s license, registration and summons which hit § 87(2)(b) in the chest. § 87(2)(b) denied that he refused to take the summons or documents from PO Mitchell. When § 87(2)(b) told PO Mitchell that he would like to exit his vehicle to photograph PO Mitchell's police vehicle, PO Mitchell replied, "You can do whatever you want. Just don't stand in my way because I will run you over." As § 87(2)(b) exited his vehicle, PO Mitchell returned to his vehicle and drove away before § 87(2)(b) could take a photograph (Board Review 1).

PO Mitchell stated that during his conversation with § 87(2)(b) he did not raise his voice while speaking, but § 87(2)(b) was confrontational because he refused to acknowledge that he was speeding. While PO Mitchell returned to his police vehicle with § 87(2)(b)'s documentation to write the summons, he noticed that § 87(2)(b) waved his hand out of his vehicle to call to PO Mitchell. PO Mitchell returned to § 87(2)(b)'s vehicle at which point, § 87(2)(b) showed PO Mitchell an SBA card that belonged to § 87(2)(b). PO Mitchell apologized to § 87(2)(b) and told him that since he already began writing the summons, he could not take the SBA card and would have to finish issuing him the summons. PO Mitchell denied that he was ever in possession of the SBA card or that he threw the SBA card at § 87(2)(b). After he finished writing the summons, PO Mitchell returned to § 87(2)(b)'s vehicle again. PO Mitchell had § 87(2)(b)'s driver's license, his vehicle's registration and the summons all folded together.

Despite § 87(2)(b) initially hesitating to take the documentation, PO § 87(2)(b) [sic] placed the summons and documentation in § 87(2)(b)'s hand, and § 87(2)(b) took the

documentation. PO Mitchell denied that he threw any of the documents at § 87(2)(b). As PO Mitchell started to return to his vehicle, § 87(2)(b) asked PO Mitchell if he was allowed to step out of his car to take a picture of PO Mitchell's vehicle. PO Mitchell told § 87(2)(b) that he could step out of his car to take a picture, but he needed to maintain a safe distance from the police vehicle since he was going to leave the location. PO Mitchell denied that he said, "If you get in my way I will run you over." PO Mitchell denied that he made any threats to hit § 87(2)(b) with his vehicle or otherwise use force against him (Board Review 2-4).

PO Phillips did not recall when during the interaction, but at some point, PO Mitchell and § 87(2)(b) were going "back and forth" about whether or not § 87(2)(b) had been speeding. PO Phillips did not recall if § 87(2)(b) mentioned that § 87(2)(b) was a sergeant in the NYPD and he did not recall if § 87(2)(b) provided an SBA card to PO Mitchell.

After PO Mitchell wrote the summons, PO Phillips saw PO Mitchell extend his hand out to § 87(2)(b) and hand him the summons. From his vantage point, PO Phillips did not recall seeing any throwing motion from PO Mitchell, and he did not see the manner in which the license and registration changed possession. PO Phillips did not see PO Mitchell throw § 87(2)(b)'s license, registration, SBA card, or any other objects. It was not until PO Mitchell began to drive off that § 87(2)(b) exited his vehicle. § 87(2)(b) had his cell phone in his hand and was either taking a photograph of the officers or attempting to record them. PO Phillips denied that PO Mitchell made any comments to § 87(2)(b) after issuing him the summons and he did not recall if PO Mitchell told § 87(2)(b) "Just don't stand in my way because I will run you over" (Board Review 5 and 6).

§ 87(2)(g)
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Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
- PO Mitchell has been a member of service for three years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- On December 1, 2017, this case was sent to mediation. On February 2, 2018, the case was returned to investigations as the complaint was no longer eligible for mediation.
- As of February 6, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 7).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date